

THE TRANSPORT TRIBUNAL

The
British Transport Commission
(Fleetwood Harbour)
Charges Scheme, 1960

Confirmed by Order dated the
29th September, 1960



LONDON

HER MAJESTY'S STATIONERY OFFICE

SIXPENCE NET

IN THE COURT OF THE TRANSPORT TRIBUNAL
IN THE MATTER OF THE TRANSPORT ACTS, 1947 AND 1953,

and

IN THE MATTER OF THE DRAFT BRITISH TRANSPORT COMMISSION
(FLEETWOOD HARBOUR) CHARGES SCHEME, 1960
THE BRITISH TRANSPORT COMMISSION

Applicants.

UPON READING the draft of a charges scheme intituled "The British Transport Commission (Fleetwood Harbour) Charges Scheme, 1960" submitted for confirmation by the British Transport Commission on the 17th December, 1959, and upon holding a public inquiry and hearing at the said inquiry the Commission and all such bodies and persons as desired to be heard thereat,

IT IS HEREBY ORDERED—

(1) that the Scheme hereto annexed intituled "The British Transport Commission (Fleetwood Harbour) Charges Scheme, 1960", being the said draft of a charges scheme as altered by the Tribunal, be confirmed;

(2) that the said Scheme be printed and published by Her Majesty's Stationery Office;

(3) that the Applicants do cause to be inserted in the London Gazette and in the newspapers specified in the Schedule hereto notices to the effect following, namely—

- (a) that by an Order dated the 29th September, 1960, the Tribunal had confirmed "The British Transport Commission (Fleetwood Harbour) Charges Scheme, 1960";
- (b) that the said Scheme would come into force on the 15th October, 1960;
- (c) that the said Scheme would be published by Her Majesty's Stationery Office.

Dated this 29th day of September, 1960.

(L.S.)

SCHEDULE

The Times.

The Daily Telegraph and Morning Post.

The East Anglian Daily Times.

The Liverpool Daily Post.

The Guardian.

The Newcastle Journal.

The Yorkshire Post and Leeds Mercury.

The Scotsman.

The Aberdeen Press and Journal.

THE BRITISH TRANSPORT COMMISSION (FLEETWOOD HARBOUR) CHARGES SCHEME, 1960

PART I

CITATION, INTERPRETATION, REVOCATION AND COMMENCEMENT

Citation

1. This Scheme may be cited as "The British Transport Commission (Fleetwood Harbour) Charges Scheme, 1960".

Interpretation

2. (1) In this Scheme, except so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"charges", "dock", "harbour", "port facilities", "ship" and "statutory provision" have the same meanings as in the Transport Act, 1947;

"the Commission" means the British Transport Commission;

"fish" means all fish, including shell fish, other than fish preserved in bottles, cans or tins;

"fishing vessel" includes any trawler, drifter or other ship used for fishing and any ship used for carrying and bringing fish direct from the fishing grounds and any ship carrying a cargo principally of fish;

"Fleetwood Harbour" means the harbour of the Commission at Fleetwood and includes any place in or in the vicinity of Fleetwood at which port facilities are provided by the Commission;

"merchandise" includes goods, fish, livestock and animals of all descriptions, and minerals.

(2) The Interpretation Act, 1889, shall apply to this Scheme as it applies to an Act of Parliament.

Revocation

3. The British Transport Commission (Harbours) Charges Scheme, 1958 shall cease to apply to Fleetwood Harbour immediately before the 15th day of October, 1960.

Provided that sub-section (2) of Section 38 of the Interpretation Act, 1889, shall apply as if this Scheme and the British Transport Commission (Harbours) Charges Scheme, 1958, were Acts of Parliament.

Commencement

4. This Scheme shall come into force on the 15th day of October, 1960.

PART II

CHARGES

5. The Commission may make:—

(1) In respect of any ship entering, using or leaving Fleetwood Harbour, charges not exceeding charges ascertained in accordance with the First Schedule to this Scheme;

(2) In respect of any merchandise shipped or unshipped into or from a ship entering, using or leaving Fleetwood Harbour, charges not exceeding charges ascertained in accordance with the Second Schedule to this Scheme; and

- (3) In respect of any passengers embarking or disembarking at Fleetwood Harbour, charges not exceeding charges ascertained in accordance with the Third Schedule to this Scheme.

6. The Commission may make such charges as may be reasonable for the use of any of the services or facilities specified in the Fourth Schedule to this Scheme provided by the Commission at Fleetwood Harbour.

7. Any questions as to the reasonableness of any charge made by the Commission under the provisions of Paragraph 6 of this Scheme shall be determined, on the application either of the Commission or of the person liable to the charge, by the Transport Tribunal, to the exclusion of any other Court.

PART III

TERMS AND CONDITIONS

8. The Commission may make the use of any of the services and facilities to which this Scheme relates subject to such reasonable terms and conditions (not being provisions as to the amounts of any charges) as the Commission may from time to time determine.

9. Any questions as to the reasonableness of any term or condition imposed or sought to be imposed by the Commission under paragraph 8 of this Scheme shall be determined by the Transport Tribunal.

PART IV

GENERAL

10. Nothing in this Scheme shall affect the provisions of Section 732 of the Merchant Shipping Act, 1894.

11. For the avoidance of doubt it is hereby declared that nothing in this Scheme shall affect the provisions of Section 22 of the British Transport Commission Act, 1957, as amended by Section 21 of the British Transport Commission Act, 1959.

PART V

PUBLICATION

12. The Commission shall keep at the Office of the Docks Manager, Fleetwood—

- (1) a copy of this Scheme, and
- (2) the books, schedules or other papers specifying the charges in operation at Fleetwood Harbour on the 1st September, 1957 in respect of the services or facilities for which maximum charges are fixed under:—
 - (i) sub-paragraph (3) of paragraph 1 of the First Schedule to this Scheme,
 - (ii) sub-paragraph (2) of paragraph 1 of the Second Schedule to this Scheme, and
 - (iii) the Third Schedule to this Scheme,

and shall on demand made by any person during reasonable hours produce the same for inspection without the payment of any fee, and shall also on demand and on payment of a reasonable charge supply copies of or extracts from such books, schedules and papers.

13. Save as provided by paragraph 12 of this Scheme and notwithstanding the requirements of any statutory provision the Commission shall be under no obligation to publish any charges to which this Scheme relates.

FIRST SCHEDULE

Maximum Ship Dues

1. The maximum ship dues shall, subject to the provisions of this Schedule, be:—

- | | | | | |
|---|--------|---|--------|------------|
| (1) For inshore fishing vessels (that is fishing vessels not exceeding 60 ft. in length and 40 gross register tons and not making voyages exceeding 4 days), dues on time basis:— | | | | |
| (i) when in commission | | per foot length of vessel per week | | s. d.
6 |
| (ii) when laid up or otherwise out of commission | | per foot length of vessel per week | ... .. | 3 |
| (2) (i) For drifters (that is fishing vessels, other than inshore fishing vessels, when engaged only in drifting for herring) | | per net register ton | ... .. | 1 6 |
| | | rent after fourteen days for each week, per net register ton | ... .. | 9 |
| (ii) For fishing vessels (other than inshore fishing vessels or drifters or fishing vessels entering only to lie up, repair, fit out and/or to take on board stores and/or bunkers) | | per net register ton | ... .. | 4 6 |
| | | rent after twenty-eight days for each week, per net register ton | ... .. | 9 |
| (iii) For fishing vessels (other than inshore fishing vessels) entering only to lie up, repair, fit out and/or to take on board stores and/or bunkers | | per net register ton | ... .. | 1 0 |
| | | rent after ten days for each week, net register ton | ... .. | 9 |
| (3) For any ship other than a fishing vessel | | The charges in operation at Fleetwood Harbour on the 1st September, 1957 increased by twenty-five per cent thereof. | | |

2. Regulations and Conditions Applicable to Maximum Ship Dues for Fishing Vessels—

- (1) Maximum ship dues for fishing vessels cover one entering or commencing to use Fleetwood Harbour, followed by one departure from Fleetwood Harbour, and the use of Fleetwood Harbour from the time of such entering or commencing to use to the time of such departure, including one docking and undocking during such period. In this Regulation and in the Fourth Schedule to this Scheme "docking" and "undocking" mean respectively the passage of a fishing vessel inwards and outwards through the gates of an enclosed dock, provided that in the case of a quay, pier or jetty not inside any enclosed dock "docking" and "undocking" mean respectively mooring and unmooring at the quay, pier or jetty.
- (2) The maximum ship dues for a fishing vessel with unregistered space occupied by cargo or bunkers shall be as for the net register tonnage of such vessel plus the tonnage calculated in respect of the space so occupied.
- (3) Where in the case of any fishing vessel rent is payable either on or at a fixed period after entering or commencing to use Fleetwood Harbour, in calculating such rent the day of entry or commencing to use and of departure shall be counted in the calculation of such rent.
- (4) In calculating any maximum ship dues fractions of a foot, a week, or a net register ton shall be reckoned as a foot, a week, or a net register ton respectively.

SECOND SCHEDULE

Maximum Merchandise Dues

1. The maximum merchandise dues for merchandise shipped or unshipped shall, subject to the provisions of this Schedule, be :—

						s.	d.
(1)	Cod Livers	...	...	...	...	per ton or part of a ton	5 6
	Fish						
	Herrings, Mackerel	...	...	...	...	"	8 6
	Any other description	...	...	...	...	"	16 0
	Meal or other by-product of Fish (other than Fish Oil)	...	...	...	...	"	5 6
	Ice	...	...	...	...	"	1 9
	Oil, fish from fishing vessels	...	...	...	...	"	16 0
	Salt, preserving, to or from fishing vessels	...	...	...	...	"	2 0
(2)	All other merchandise	...	...	...	...	The charges in operation at Fleetwood Harbour on the 1st September, 1957 increased by twenty-five per cent thereof.	

2. Weight

The weight of merchandise specified in sub-paragraph (1) of paragraph 1 of this Schedule shall be the gross weight of the merchandise and any packing and packaging in which such merchandise shall be contained at 2,240 lbs. to the ton.

3. Merchandise not listed

Where any merchandise shipped or unshipped into or from a ship entering, using or leaving Fleetwood Harbour is not described in sub-paragraph (1) of paragraph 1 of this Schedule or in any list or classification of merchandise by reference to which the maximum dues prescribed in sub-paragraph (2) of that paragraph are calculated, the maximum dues chargeable in respect thereof shall be the maximum dues chargeable in the case of whatever merchandise described in the said sub-paragraph (1), list or classification most nearly resembles it in its nature, packing and quality.

4. Fractions Rule

In calculating any maximum merchandise dues fractions of a farthing amounting to half a farthing or more shall be reckoned as a farthing and fractions amounting to less than half a farthing shall be dropped.

THIRD SCHEDULE

Maximum Passenger Dues

The maximum dues for passengers embarking or disembarking shall be the charges in operation at Fleetwood Harbour on the 1st September, 1957 increased by twenty-five per cent thereof.

FOURTH SCHEDULE

Services and Facilities referred to in Paragraph 6

- Special lighting and buoying.
- Provision of mooring ropes and hawsers.
- Dock pilotage.
- Lighterage.
- Docking and undocking of a ship for a second or subsequent time during any one period covered by a maximum ship due as provided in the First Schedule to this Scheme.
- Special Penning of vessels.
- Assistance in the berthing, unberthing, mooring, unmooring, or moving of ships.
- Provision of accommodation for miscellaneous small craft and floating equipment such as painters rafts, caulking flats, prams, waterboats.
- Use of graving docks and slipways.
- Use of tugs.
- Supply and use of gangways.
- Use of road vehicles.
- Hire of wagons for temporary storage.
- Supply of water, lighting or power.
- Selecting wagons of coal for shipment to order.
- Weighing and taring of rail and road vehicles.
- Hire of sheets.
- Issue of dock warrants.
- Passing Customs' entries.
- Supply of certificates of weights.
- Ship watching.
- Parking of road vehicles.
- Disposal of rubbish or condemned merchandise.
- Use of ship to shore telephones.
- Provision of flagmen.
- Issue of licences or permits for miscellaneous purposes.
- Loading and unloading of vehicles.
- Warehousing and storage.
- Services of diver.
- Market accommodation.
- Attendance at trial of ships' engines.
- Supply of labour or provision or use of plant, machinery or appliances for the loading, unloading, sorting, weighing, handling, repairing, sampling, testing, protecting or watching of merchandise, and any other work performed in respect of any such operation.